U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF: Mr. Anthony Esposito	COURT CASE NUMBER: 08-CV-0742-H-WMC
DEFENDANT: C. Cook, Medical Appeal Analyst	TYPE OF PROCESS: SUMMONS AND COMPLAINT

SERVE — NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: C. Cook, Medical Appeal Analyst, Centinela State Prison

AT — ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*): 2302 Brown Road, Imperial, CA. 92251-0731

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Mr. ANTHONY ESPOSITO
D-94335/D-GYM 150L
CENTINELA STATE PRISON
2302 BROWN ROAD
IMPERIAL, CA. 92251-0731

Number of process to be served with this Form - 285	4
Number of parties to be served in this case	4
Check for service on U.S.A.	(X)N/A

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service*): (760) 337-7900 8:00 A.M. - 4:00 P.M.

CENTINELA STATE PRISON
2302 BROWN ROAD
IMPERIAL, CA. 92251-0731

FILED
JUL 18 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

RECEIVED
2008 JUN 27 A 8:0[illegible]
U.S. MARSHAL
SOUTHERN DISTRICT OF CALIFORNIA

Signature of Attorney or other Originator requesting service on behalf of: Anthony Esposito

☒ PLAINTIFF ☐ DEFENDANT

TELEPHONE NUMBER: (760) 337-7900 EXT:

DATE: JUNE 23, 08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (*Sign only first USM 285 if more than one USM 285 is submitted*)	Total Process	District of Origin No.	District to Serve No.	Signature of Authorized USMS Deputy or Clerk	Date

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (*See remarks below*)

Name and title of individual served (*if not shown above*)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (*complete only if different than shown above*)

Date of Service | Time am pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (*including endeavors*)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS: 6/27/08 - mailed S&C
7/17/08 - Recd waiver of service of summons. Copy to court and plaintiff

PRIOR EDITIONS MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

Waiver of Service of Summons

To: United States Marshal

RECEIVED

I acknowledged receipt of your request that I waive service of summons in the action of Anthony Esposito which is case number 08CV742 in the United States District Court of the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgement may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after June 27, 2008, or within 90 days after that date if the request was sent outside the United States.

Date 7/16/08

[signature]
Signature

Printed/typed name Michael Cayaban
(as Deputy Attorney General)
(of Cal. Office of the Atty. Gen.)

Attorneys for C. Cook

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgement may be taken against the defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.